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**MAY 25 2004**

**OFFICE OF PETITIONS**

In re Application of :  
Guillermo C. Bazan et al. :  
Application No. 10/600,286 : DECISION ON PETITION  
Filed: June 20, 2003 : UNDER 37 C.F.R. §1.10(c)  
Attorney Docket No. 7019952001 :  
Title: METHODS AND COMPOSITIONS :  
FOR DETECTION AND ANALYSIS OF :  
POLYNUCLEOTIDES USING LIGHT :  
HARVESTING MULTICHROMOPHORES :

This is a decision on the petition under 37 C.F.R. §1.10(c), submitted on March 17, 2004, requesting that the application be accorded a filing date of June 20, 2003.

Shortly after June 20, 2003, the above-identified application was received in the Office. The Office of Initial Patent Examination then mailed petitioner's filing receipt, which indicated that the application had been accorded a filing date of June 21, 2003.

In response, on March 17, 2004, applicants filed the present petition. Petitioners have included a copy of the Express Mail Label having a number of EV348162527US<sup>1</sup>. Applicants request that the application be accorded a filing date of June 20, 2003.

<sup>1</sup> The Utility Patent Application Transmittal sheet has been located in the electronic file, and it is noted that it contains this same Express Mail label number.

Petitioner has alleged that the application was deposited on June 20, 2003, and the Patent Office has incorrectly assigned a filing date of June 21, 2003 to the instant application.

Regarding the Express Mail label, it is noted that the label contains a "date-in" of June 20, 2003.

A check of the Office's USPS Express Mail Finder Database computer program was inconclusive. Unfortunately, a check of the United States Postal Service's website (<http://www.usps.com/shipping/trackandconfirm.htm>) was also inconclusive.

Although the application received a filing date of June 21, 2003, the evidence is convincing that the application papers were filed on June 20, 2003, and the Patent Office assigned the incorrect date to the application. Therefore, the application was entitled to a filing date of June 20, 2003.

Accordingly, the petition is **GRANTED**.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of June 20, 2003, as well as the mailing of a corrected filing receipt.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence unless a Change of Correspondence Address Form (PTO/SB/122) is submitted for the above-identified application. A blank Change of Correspondence Address Form (PTO/SB/122) may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.

As there is no fee associated with the filing of a petition under 37 C.F.R. §1.10(c), the fee Petitioner has submitted will be credited to his Deposit Account.

Any inquiries related to this decision should be directed to the

undersigned at (703) 305-0011.

A handwritten signature in black ink, appearing to read 'Paul Shanoski', written in a cursive style.

**Paul Shanoski**  
**Senior Attorney**  
**Office of Petitions**  
**United States Patent and Trademark Office**

cc: Bingham McCutchen LLP  
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